

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SEE YEE KO,

Plaintiff,

vs.

D.B. DREW, Warden FCI Ray Brook,

Defendant,

9:2004-CR-00856(NPM)

APPEARANCES:

SEE YEE KO
30159-054
FCI Ray Brook,
P.O. Box 9004
Ray Brook, New York 12977

Hon. Glenn T. Suddaby,
United States Attorney for the
Northern District of New York
100 South Clinton Street
Syracuse, NY 13261-7198

Charles E. Roberts, AUSA

NEAL P. McCURN, Sr. J.

ORDER DISMISSING CASE

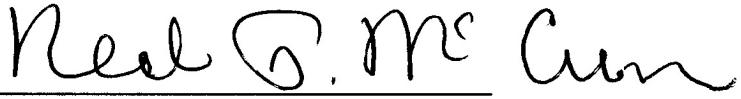
Presently before this Court is the petitioner's writ of habeas corpus pursuant to 28 U.S.C. § 2241, filed on July 21, 2004. Amended petitions for writs of habeas corpus were filed on October 4, 2004 and December 22, 2004 (at Dkt. No. 4 and 7

respectively) as directed by the Court's Orders Directing Compliance dated August 31, 2004, and October 18, 2004. On March 23, 2005 the Court ordered responses to the petition (Dkt. 8) be filed and further ordered that, "Petitioner shall promptly notify the Clerk's Office and counsel for Respondent of any change in his address; the Court advises Petitioner that his failure to do so will result in this Court's dismissal of his action."

On March 30, 2005 the copy of the Court's Order dated March 23, 2005, (Dkt.8) mailed to the petitioner was returned to the Court as undeliverable at petitioner's FCI Ray Brook address (Dkt.11) and marked "Return to Sender." Subsequently, a further Court order dated January 9, 2006, sent to the petitioner's FCI Ray Brook address was similarly returned to the Court on January 17, 2006 bearing the mark "Return to Sender, Addressee Unknown", (see Dkt. 14).

Upon petitioner's failure to notify the Court of a change of address pursuant to the order of March 23, 2005 and Local Rules 10.1(b)(2) and 41.2(b), the petition is hereby denied and the action is ordered dismissed in its entirety.

IT IS SO ORDERED
Dated: March 19, 2007
Syracuse, New York



Neal P. McCurn
Senior U.S. District Judge